

*GJM*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CLERK'S OFFICE  
SOUTHERN DISTRICT OF CALIFORNIA  
**08 MJ 2027**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
Rodel Sarto LOS BANOS, )  
Defendant. )  
\_\_\_\_\_  
)

Magistrate Case No. *JP* DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien(s)  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 1, 2008**, within the Southern District of California, defendant, **Rodel Sarto LOS BANOS** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Dolores ARCHULETA-Vergara**, had not received prior official authorization to come to, enter or reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*Sara Esparagoza*  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF JULY, 2008.

*Beth J. Major*  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complaint states that **Dolores ARCHULETA-Vergara** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 1, 2008, at approximately 2215 hours, **Rodel Sarto LOS BANOS (Defendant)** made application for admission into the United States via the vehicle primary lanes at the Otay Mesa, California Port of Entry. Defendant was the driver and sole visible occupant of a 1998 Dodge Caravan. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant declared United States citizenship and presented a California identification card bearing his true name and likeliness. Defendant told the officer his purpose for being in Mexico was to place bets and that he was going to San Diego, California. Defendant also claimed ownership of the vehicle for two months and presented a vehicle registration. The CBP Officer suspected that the registration was counterfeit and subsequently requested assistance from the CBP Anti-Terrorism Contraband Enforcement Team (ATCET). An ATCET Officers opened the vehicle glove box and discovered a felt-like cloth inside. The ATCET Officer pulled the cloth down a little and reached over the top portion and felt skin. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers noticed the top portion of the dashboard was loose and pulled the plastic top portion of the dashboard off. Upon removal of the dashboard top, CBP Officers discovered one female concealed in a non-factory dashboard compartment. Officers assisted the female from the compartment. The concealed female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Dolores ARCHULETA-Vergara (Material Witness)**.

During a videotaped interview, Material Witness admitted she is a citizen of Mexico without legal documents or rights to enter the United States. Material Witness stated that her friend made arrangements and was going to pay \$2,000 U.S. dollars to have her smuggled into the United States. Material Witness stated she intended to travel to Los Angeles, California to seek employment.